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6

7 UNITED STATES DISTRICT COURT
8 DISTRICT OF NEVADA

9 WARREN WAYNE SHERUM,

10 Plaintiff,

11 v.

12 ERIC JOHN BLOODSAW, JR.; LANDSTAR
13 RANGER, INC.; DOES I through X, inclusive and
14 ROE CORPORATIONS I through X, inclusive

15 Defendants.

CASE NO:

**DEFENDANTS' NOTICE OF
REMOVAL**

16 TO: DEBRA KEMPI, Clerk, United States District Court for the District of Nevada

17 PLEASE TAKE NOTICE that Defendants ERIC JOHN BLOODSAW, JR. and
18 LANDSTAR RANGER, INC. hereby remove to this Court the state court action entitled
19 "WARREN WAYNE SHERUM," Plaintiff v. ERIC JOHN BLOODSAW, JR.; LANDSTAR
20 RANGER, INC.; DOES I through X, inclusive, and ROE CORPORATIONS I through X,
21 inclusive," Case No. CV22-00676 filed in the Second Judicial District Court for Washoe County,
22 Nevada. A copy of the Complaint is attached hereto as Exhibit A. The grounds for removal are:

23 ...

24 ...

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1 1. This Court has original subject matter jurisdiction over this action pursuant to 28
2 U.S.C. § 1332 and 28 U.S.C. §§ 1441(a)-(c), in that it is a civil action between Plaintiff, a citizen
3 of Nevada, Defendants who are citizens of diverse residency, none of which reside in Nevada,
4 and the matter in controversy exceeds \$75,000.00, exclusive of interest and costs, as set forth
5 below.

6 2. Based upon information and belief, Plaintiff WARREN WAYNE SHERUM is a
7 citizen of the State of Nevada. *See* Complaint ¶ 1.

8 3. Defendant ERIC JOHN BLOODSAW, JR. is a resident of the State of Louisiana.

9 4. Defendant LANDSTAR RANGER, INC. is a corporation incorporated in the
10 State of Delaware, with its principal place of business in Jacksonville, Florida.

11 5. The Defendants sued as DOES I through X, inclusive and ROE
12 CORPORATIONS I through X, inclusive, are fictitious parties and not relevant to the
13 determination of subject matter jurisdiction. *See* 28 U.S.C. § 1441(a) (stating “For purposes of
14 removal under this chapter, the citizenship of defendants sued under fictitious names shall be
15 disregarded”).

16 6. Based upon information and belief, the amount in controversy, exclusive of
17 interest and costs, exceeds \$75,000.00. Upon information and belief, Plaintiff WARREN
18 WAYNE SHERUM is alleging to have sustained severe and permanent injury. Plaintiff has
19 alleged both past and future damages including medical treatment and pain and suffering and has
20 identified past medical specials to date exceeding the \$75,000 threshold for jurisdiction. *See*
21 Complaint ¶ 20.

22 ...

23 ...

24 ...

Attorneys for Defendants

CERTIFICATE OF ELECTRONIC SERVICE

I certify that on the 17th day of May 2022, service of the above and foregoing
DEFENDANTS' NOTICE OF REMOVAL was made by electronically filing a true and
correct copy of the same to each party addressed as follows:



Employee of ALVERSON TAYLOR & SANDERS

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EXHIBIT A

FILED
Electronically
CV22-00676
2022-04-28 11:51:57 AM
Alicia L. Lerud
Clerk of the Court
Transaction # 9022025 : csulezio

1425
JOHN B. GREENE, ESQ.
Nevada Bar No. 004279
ROBERT D. VANNAH, ESQ.
Nevada Bar No. 002503
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Telephone (775) 222-3333
Attorneys for Plaintiff

IN THE SECOND JUDICIAL DISTRICT COURT OF
THE STATE OF NEVADA IN AND FOR THE
COUNTY OF WASHOE

WARREN WAYNE SHERUM,

Plaintiff,

vs.

ERIC JOHN BLOODSAW, JR.; LANDSTAR
RANGER, INC.; DOES I through X, inclusive,
and ROE CORPORATIONS I through X,
inclusive,

Defendants.

CASE NO.:
DEPT NO.:

COMPLAINT

Plaintiff WARREN WAYNE SHERUM (Plaintiff), by and through his undersigned counsel,
ROBERT D. VANNAH, ESQ., and JOHN B. GREENE, ESQ., of **GOLIGHTLY & VANNAH,**
PLLC, and for his causes of action against Defendants, complains and alleges as follows:

I.

IDENTIFICATION OF THE PARTIES AND JURISDICTION

1. At all times relevant herein, Plaintiff was, and is, a resident of Reno, Nevada.
2. Plaintiff is informed, and believes, and thereupon alleges, that at all relevant times,
Defendant LANDSTAR RANGER, INC. (EMPLOYER) is foreign corporation organized under and
existing by certain laws of Delaware, and was licensed and/or doing business in Nevada.

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1 3. Plaintiff is informed, and believes, and thereupon alleges, that Defendant ERIC JOHN
2 BLOODSAW, JR. (DRIVER), individually and as an agent of EMPLOYER, and/or certain ROE
3 Corporation Defendants, was a resident of Jonesville, LA, acting within the course and scope of his
4 employment with EMPLOYER delivering products on behalf of EMPLOYER, and/or certain ROE
5 Corporation Defendants, to commit the acts alleged in this Complaint. At times, EMPLOYER and
6 DRIVER are referred to as Defendants.
7

8 4. All relevant facts and claims occurred in Churchill County and Plaintiff seeks damages
9 in excess of \$15,000.

10 5. The true names and capacities, whether individual, corporate, associate, or otherwise
11 of DOE Defendants I through X, are unknown to Plaintiff, who therefore sues said Defendants by such
12 fictitious names. Plaintiff is informed and believes, and thereupon alleges, that each of the Defendants
13 designated as a DOE Defendant is responsible in some manner for the events and happenings
14 described herein, namely, was the driver and/or owner of the 2015 International Truck Tractor (VIN
15 3HSDJAPR0FN023312) that collided with Plaintiff, as alleged in this Complaint. As such, Plaintiff
16 will seek leave of the Court to amend this Complaint to insert the true names and capacities of said
17 Defendants as they become identified and known to Plaintiff.
18

19 6. The true names and capacities, whether individual, corporate, associate, or otherwise,
20 of Defendants ROE Corporations XI through XX, are unknown to Plaintiff, who therefore sues said
21 defendants by such fictitious names. Plaintiff is informed and believes, and thereupon alleges, that
22 each of the Defendants designated as a ROE Corporation is responsible in some manner for the events
23 and happenings described herein, such as employing and/or directing DRIVER to deliver products on
24 their behalf. As such, Plaintiff will seek leave of this Court to amend this Complaint to insert the true
25 names and capacities of said Defendants as they become identified and known to Plaintiff.
26
27
28

1 7. DOES I through V and/or ROE Corporations XI through XV are Defendants and/or
2 employers of named and/or unnamed Defendants who may be liable in negligence generally, or
3 pursuant to N.R.S. 41.130, which states:

4 [e]xcept as otherwise provided in N.R.S. 41.745, whenever any person shall
5 suffer personal injury by wrongful act, neglect or default of another, the
6 person causing the injury is liable to the person injured for damages; and
7 where the person causing the injury is employed by another person or
8 corporation responsible for his conduct, that person or corporation so
9 responsible is liable to the person injured for damages.

10 8. Plaintiff alleges that one or more ROE Corporation Defendants may have contracted
11 with, hired, employed, trained, supervised, and/or retained DRIVER, and/or provided employees to
12 EMPLOYER.

13 II.

14 GENERAL ALLEGATIONS

15 9. Plaintiff hereby repeats and realleges Paragraphs 1 through 8 of this Complaint as
16 though fully set forth herein.

17 10. On or about December 17, 2020, Plaintiff was stopped behind another stopped vehicle
18 at a stop sign in an active work zone on northbound US95.

19 11. At the same time, DRIVER, on behalf of EMPLOYER, was delivering products on
20 behalf of EMPLOYER, and was travelling northbound on US95 approaching Plaintiff, the stopped
21 vehicles, and the stop sign.

22 12. DRIVER then failed to use due care, failed to yield or stop for the stopped traffic or
23 the stop sign, attempted to veer to the right, and thereafter collided with the Plaintiff's vehicle.

24 13. Plaintiff suffered injuries as a result of the December 17, 2020, collision.

25 14. Plaintiff is informed, believes, and thereupon alleges that at the date and time of the
26 collision on December 17, 2020, DRIVER was driving a vehicle owned by, and/or on behalf of,
27 EMPLOYER, and/or ROE Corporations.
28

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III.

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1 authorization to drive, and the operation of, the vehicle, posed a risk to the public safety, and could
 2 result in a motor vehicle collision.

3 20. As a direct and proximate result of the negligence and carelessness of Defendants,
 4 Plaintiff was severely and permanently injured. Plaintiff has incurred medical bills, and endured pain
 5 and suffering, worry, anxiety, emotional distress, as well as the loss of enjoyment of life. Plaintiff
 6 will continue to endure said losses and damages for an indefinite period of time in the future, in an
 7 amount in excess of Fifteen Thousand Dollars (\$15,000.00).
 8

9 21. That as a further direct and proximate result of the negligence of Defendants, Plaintiff
 10 has lost time from his usual occupation, and will lose time from his usual occupation in the future. In
 11 addition, Plaintiff has suffered a loss of earning capacity, and his work life expectancy will be
 12 shortened.
 13

14 22. Plaintiff has been required to retain legal counsel to prosecute this action, and is
 15 therefore entitled to reasonable attorney fees and costs of suit incurred in this action.
 16

17 IV.

18 **SECOND CAUSE OF ACTION** **(Vicarious Liability against EMPLOYER and/or** **ROE Corporation Defendants I through X)**

19 23. Plaintiff hereby repeats and realleges Paragraphs 1 through 22 of this Complaint as
 20 though fully set forth herein.
 21

22 24. When the subject accident occurred, DRIVER was acting in the course and scope of
 23 his employment with EMPLOYER and/or ROE Corporation Defendants I through X, thereby making
 24 Defendants vicariously and legally responsible for the negligent acts of their officers, agents, servants,
 25 employees, and/or representatives, under the doctrine of *Respondeat Superior*, as outlined in common
 26 law, and under NRS 41.130, where applicable.
 27

28 25. Whenever it is alleged in this Complaint that EMPLOYER, and/or ROE Corporation
 Defendants I through X, did any act or thing, it is meant that such Defendant's officers, agents,

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servants, employees, or representatives, including, but not limited to, DRIVER and/or DOE Defendants I through X, did such act or thing and at the time such act or thing was done, it was done with full authorization or ratification of EMPLOYER, and/or ROE Corporation Defendants I through X, or was done in the normal and routine course and scope of business, or with the actual apparent and/or implied authority of such Defendant's officers, agents, servants, employees, and/or representatives.

26. As a direct and proximate result of the negligence of Defendants, and/or ROE Corporation Defendants I through X, Plaintiff was severely and permanently injured. Plaintiff has incurred medical bills, and endured pain and suffering, worry, anxiety, emotional distress, as well as the loss of enjoyment of life. Plaintiff will continue to endure said losses and damages for an indefinite period of time in the future, in an amount in excess of Fifteen Thousand Dollars (\$15,000.00).

27. That as a further direct and proximate result of the negligence of Defendants, Plaintiff has lost time from his usual occupation, and will lose time from his usual occupation in the future. In addition, Plaintiff has suffered a loss of earning capacity, and his work life expectancy will be shortened.

28. Plaintiff has been required to retain legal counsel to prosecute this action, and is therefore entitled to reasonable attorney fees and costs of suit incurred in this action.

V. PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for relief and judgment as against Defendants, each of them, for each and every cause of action, as follows:

1. Compensatory damages in excess of \$15,000.00;
2. Costs of suit and attorney's fees incurred herein;
3. Pre-judgment and post-judgment interest, as allowed by law; and,
4. For such other and further relief as the Court may deem appropriate.

Affirmation

Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding document, Complaint, filed in case number unknown, does not contain the social security number of any person.

DATED this 28th day of April, 2022.

GOLIGHTLY & VANNAH, PLLC



ROBERT D. VANNAH, ESQ.

Nevada Bar No. 002503

JOHN B. GREENE, ESQ.

Nevada Bar No. 004279

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Attorneys for Plaintiff

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